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To: **MAIL STOP AMENDMENT – US PATENT AND TRADEMARK OFFICE**

Fax: **(571) 273-8300** Number of Pages: 7 (including this cover)

Date: **17 August 2006**

From: **William F. Gray**

Fax: **(203) 812-6459** Phone: **(203) 812-2712**

E-mail: **william.gray.b@bayer.com**

Re: **US Application Serial No.: 10/539,707**  
**Filing Date: 17 June 2005**  
**Title: Indole-Phenylsulfonamide Derivatives Used as PPAR-Delta Activating Compounds.**

**Attorney Docket No.: LeA 36451**

**Art Unit:**

**Examiner:**

**Message:**

Attached are the following documents in connection with prosecution of this application:

- Response to Notification of Missing Requirements Under 35 U.S.C. 371
- Declaration of the inventors
- Copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL TO 400 MORGAN LANE, WEST HAVEN CONNECTICUT 06516. THANK YOU.

Attorney Docket No. LeA 36451

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PATENT

AUG 17 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage in the U.S. of

International Application No.: PCT/EP03/14882

International Filing Date: 12/24/2003

U.S. Application No.: 10/539,707

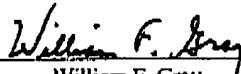
First Named Inventor: Woltering, Michael

Title: Indole-Phenylsulfonamide Derivatives Used as PPAR-Delta Activating Compounds

## CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.

Date: 8/17/06

  
William F. Gray

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 07/31/2006. A copy of Form PCT/DO/EO/905 is enclosed.

## DECLARATION OR OATH

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

## COMPLETION FEES

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e))  
\$130.00.

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## METHOD OF PAYMENT

AUG 17 2006

The Commissioner is hereby authorized to charge Deposit Account No. 13-3372 in the amount of \$130.00 for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,



\_\_\_\_\_  
William F. Gray  
Attorney for Applicant(s)  
Bayer Pharmaceuticals Corporation  
400 Morgan Lane  
West Haven, CT 06516-4175

Date: 8/17/06

Registration No.: 31018

Phone: (203) 812-2712

08/22/2006 GFREY1 00000106 133372 10539707

01 FC:1617 130.00 DA



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/539,707	Michael Woltering	Le A 36 451
		INTERNATIONAL APPLICATION NO.
		PCT/EP03/14882
35969 JEFFREY M. GREENMAN BAYER PHARMACEUTICALS CORPORATION 400 MORGAN LANE WEST HAVEN, CT 06516		I.A. FILING DATE      PRIORITY DATE
		12/24/2003      01/07/2003
CONFIRMATION NO. 2909 371 FORMALITIES LETTER  "OC000000019820767"		

Date Mailed: 07/31/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/17/2005
- Copy of the International Search Report filed on 06/17/2005
- Preliminary Amendments filed on 06/17/2005
- Information Disclosure Statements filed on 06/17/2005
- Request for Immediate Examination filed on 06/17/2005
- U.S. Basic National Fees filed on 06/17/2005
- Non-English Language Application filed on 06/17/2005
- Specification filed on 06/17/2005
- Claims filed on 06/17/2005
- Abstracts filed on 06/17/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

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Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/539,707	PCT/EP03/14882	Le A 36 451

FORM PCT/DO/EO/905 (371 Formalties Notice)